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06 NOV 21 PM 2:39
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PR DEPUTY

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 '06 CV 2574 H AJB

15 EDNA GOYA, an individual,
16 Plaintiff,

17 v.

18 MERCK & CO., INC., a Corporation;
19 McKESSON CORPORATION, a
20 Corporation; and DOES 1 through 100,
21 inclusive,

22 Defendants.

CASE NO.:

DEFENDANT MERCK & CO.,
INC.'S NOTICE OF RELATED
CASES

[Local Rule 40.1(e)]

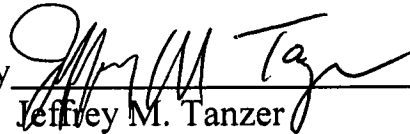
23 TO THE COURT, AND TO ALL PARTIES AND THEIR ATTORNEYS OF
24 RECORD:

25 PLEASE TAKE NOTICE that, pursuant to Local Rule 40.1(e), Defendant Merck
26 & Co., Inc. hereby gives notice that the above-captioned case is the subject of or is
27 related to Multidistrict Litigation that is pending in the United States District Court for
28 the Southern District of New York, encaptioned In re Fosamax Products Liability
Litigation, MDL-1789. This action involves allegations regarding the prescription
medication FOSAMAX®. On August 16, 2006, the Judicial Panel on Multidistrict
Litigation ("MDL Panel") issued an order pursuant to its authority under 28 U.S.C. §

1 1407, in which the MDL Panel created MDL No. 1789 and transferred 18
2 FOSAMAX® products liability cases to the United States District Court for the
3 Southern District of New York (Keenan, J.) for coordinated pretrial proceedings. *In re*
4 *Fosamax Prods. Liab. Litig.*, 444 F. Supp. 2d 1347 (J.P.M.L. 2006). As of this date, the
5 MDL Panel has issued nine Conditional Transfer Orders, and 43 actions have been
6 transferred to MDL 1789. Merck will seek the transfer of this action to MDL-1789, and
7 will, in the next several days, provide the MDL Panel with notice of this action pursuant
8 to the "tag-along" procedure contained in the MDL Rules.

9
10 Dated: November 21, 2006

11
12 VENABLE LLP
13 DOUGLAS C. EMHOFF
14 JEFFREY M. TANZER

15 By 
16 Jeffrey M. Tanzer
17 Attorneys for Defendant
18 Merck & Co., Inc.
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 18 and not a party to the within action; my business address is 2049 Century Park East,
#2100, Los Angeles, California 90067.

5 On November 21, 2006, I served the foregoing document(s) described as
6 **DEFENDANT MERCK & CO., INC.'S NOTICE OF RELATED CASES** on the
interested parties in this action addressed as follows:

7 SEE ATTACHED SERVICE LIST

- 8 ☒ By placing true copies thereof enclosed in a sealed envelope(s) addressed as
9 stated above.
- 10 ☐ **BY PERSONAL SERVICE (CCP §1011):** I delivered such envelope(s)
11 by hand to the addressee(s) as stated above.
- 12 ☒ **BY MAIL (CCP §1013(a)&(b)):** I am readily familiar with the firm's
13 practice of collection and processing correspondence for mailing with the
14 U.S. Postal Service. Under that practice such envelope(s) is deposited with
the U.S. postal service on the same day this declaration was executed, with
postage thereon fully prepaid at 2049 Century Park East, #2100 Los
Angeles, California, in the ordinary course of business.
- 15 ☐ **BY OVERNIGHT DELIVERY (CCP §1013(c)&(d)):** I am readily
16 familiar with the firm's practice of collection and processing items for
delivery with Overnight Delivery. Under that practice such envelope(s) is
17 deposited at a facility regularly maintained by Overnight Delivery or
delivered to an authorized courier or driver authorized by Overnight
18 Delivery to receive such envelope(s), on the same day this declaration was
executed, with delivery fees fully provided for at 2049 Century Park East,
#2100 Los Angeles, California, in the ordinary course of business.

19 Executed on November 21, 2006 at Los Angeles, California

- 20 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of
21 California that the above is true and correct.
- 22 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of the Bar
23 of this Court at whose direction the service was made. I declare under penalty of
perjury under the laws of the United States of America that the above is true and
24 correct.

25 Heather Briggs
26 Heather Briggs

ATTACHED SERVICE LIST

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